

Remarks

The Office Action mailed November 22, 2005 has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1, 3-5, 7-8, 10-14 and 16-21 are now pending in this application.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested.

A restriction to either invention I, consisting of claims 1, 3-5, 7-8, and 10-13 drawn to an outer panel, classified in Class 312, subclass 311; and invention II, consisting of claims 14 and 16-21, drawn to a dishwasher door assembly, classified in class 134, subclass 58D, was imposed. Notably, the restriction was imposed after nine substantive Office Actions, in which all of the pending claims 1, 3-5, 7-8, 10-14 and 16-21 were prosecuted on the merits. In response to the current restriction requirement, Applicants elect, with traverse, to prosecute the invention of Group I, claims 1, 3-5, 7-8, and 10-13.

The requirement for election is traversed because the inventions set out by the claims in Groups I, and II are clearly related and because a thorough search and examination of one Group would be relevant to the examination of each other Group. Additionally, both Groups have previously been examined numerous times, and as such, would not be a serious burden on the Examiner.

Regarding Groups I and II, Applicants note that the language of Claims 1, 8, 14 and 17 are drawn to an outer door panel *for an appliance door assembly* or a *dishwasher*, and a *dishwasher door assembly*. Additionally, similar elements are recited in each claim set. Applicants respectfully submit that it is evident that the claims of Groups I and II have an overlapping nature such that a search and examination of Groups I and II can be made without serious burden. MPEP section 803 states that if “the search and examination of an entire application can be made without serious burden, the examiner ***must*** examine it on the merits, ***even though it includes claims to independent or distinct inventions***” (emphasis added).

Applicants respectfully submit that the search and examination of the entire application (Groups I and II) can be made without serious burden. For the reasons set forth above, Applicants respectfully request examination of Groups I and II.

In addition, requirements for restriction are not mandatory under 35 U.S.C. § 121. Accordingly, reconsideration of the restriction requirement is requested.

Respectfully Submitted,


A handwritten signature in black ink, appearing to read "Jay J. Hoette", is written over a horizontal line.

Jay J. Hoette
Registration No. 50,666
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070